



**THE ATTORNEY GENERAL  
OF TEXAS**

Grover Sellers

~~XXXXXXXXXXXXXXXXXXXX~~  
ATTORNEY GENERAL

**AUSTIN 11, TEXAS**

Honorable Theo Ash  
County Attorney, Taylor County  
Abilene, Texas

Dear Sir:

Opinion No. 0-6123

Re: Under the given facts, what officer has the authority to order a bond election in a common consolidated school district of Taylor County?

Attention: Mr. Dan Abbott,  
Assistant County Attorney.

We have your letter of recent date in which you state that there is some question as to what officer has authority to order a bond election, because it has never been decided whether such district is a common school district or a rural high school district.

In our Opinion No. 0-2035, which was approved April 8, 1940, we held that this district was not a legally created common consolidated school district nor was it a legally created rural high school district, and we suggested that proper action be taken under the general law to obviate the difficulty concerning the status of the district. With the proceedings which you submit with your letter, it is shown that on the 15th day of May, 1941 an election was held to consolidate Iberia Common School District No. 38, Taylor County, Texas, with Wiley Common Consolidated School District No. 11 of Taylor County. This election carried unanimously and the order of the Commissioners' Court pursuant to said election, established Wiley Common Consolidated School District No. 11 of Taylor County, and you are, therefore, advised that said district is a common consolidated school district, and that the County Judge of Taylor County is the only proper person authorized to order a bond election upon petition of twenty (20) or more property taxpayers, whose property has been duly rendered in the district.

Honorable Theo Ash, page 2 (0-6123)

The election to consolidate the two districts held on May 15, 1941 was held in strict compliance with Article 2806, Revised Statutes of 1925. The bond election should be held in accordance with the laws governing bond elections in common school districts.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ C. F. Gibson  
C. F. Gibson  
Assistant

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OK  
F.D.

APPROVED JUL 31, 1944

/s/ Geo. Blackburn  
(Acting) ATTORNEY GENERAL OF TEXAS

APPROVED  
Opinion  
Committee

BY /s/ BWB  
Chairman